



PATENT
Attorney Docket No. ASC-022CPC1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Wu *et al.*

SERIAL NO.: 10/603,852 GROUP NO.: 2811

FILING DATE: June 25, 2003 EXAMINER: Owens, Douglas W.

TITLE: ETCH STOP LAYER SYSTEM

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 22nd day of March, 2004.

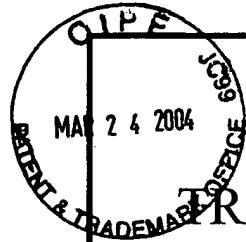

Wendy Martin

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith are:

1. Transmittal Form (1 page);
2. Notice of Defective Office Action (2 pages);
3. Copy of Preliminary Amendment submitted June 25, 2003 (19 pages);
4. Copy of Stamped Mailroom Postcard submitted June 25, 2003; and
5. a Return Receipt Postcard.



TRANSMITTAL FORM

Application Serial Number	10/603,852
Filing Date	June 25, 2003
First Named Inventor	Wu
Group Art Unit	2811
Examiner Name	Owens, Douglas W.
Attorney Docket No.	ASC-022CPC1
Patent No.	Not applicable
Issue Date	Not applicable

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <ul style="list-style-type: none"> <input type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form 	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences
<input type="checkbox"/> Amendment/Response <ul style="list-style-type: none"> <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets _____] 	<input type="checkbox"/> Formal Drawing(s)	<input type="checkbox"/> Appeal Brief (in triplicate)
<input type="checkbox"/> Petition for Extension of Time	<input type="checkbox"/> Request For Continued Examination (RCE) Transmittal	<input type="checkbox"/> Status Inquiry
<input type="checkbox"/> Supplemental Information Disclosure Statement <ul style="list-style-type: none"> <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of IDS Citations 	<input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)	<input checked="" type="checkbox"/> Return Receipt Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8
<input type="checkbox"/> Sequence Listing submission <ul style="list-style-type: none"> <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above 	<input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application	<input checked="" type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8
	<input type="checkbox"/> Small Entity Statement	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below)
	<input type="checkbox"/> CD(s) for large table or computer program	1) Notice of Defective Office Action
	<input type="checkbox"/> Amendment After Allowance	2) Copy of Preliminary Amendment submitted June 25, 2003
	<input type="checkbox"/> Request for Certificate of Correction <ul style="list-style-type: none"> <input type="checkbox"/> Certificate of Correction (in duplicate) 	3) Copy of stamped mailroom postcard submitted June 25, 2003

CORRESPONDENCE ADDRESS

Direct all correspondence to: Patent Administrator
 Testa, Hurwitz & Thibeault, LLP
 High Street Tower
 125 High Street
 Boston, MA 02110
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SIGNATURE BLOCK

Respectfully submitted,


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NOTICE OF DEFECTIVE OFFICE ACTION

1. This Notice of Defective Office Action is filed pursuant MPEP §710.06 regarding the Office Action mailed February 23, 2004, (hereinafter, "Office Action") for the above-referenced patent application.
2. The Office Action Summary states that claims 1-111 are pending in the application. The Detailed Office Action addresses claims 1-111.
3. By Preliminary Amendment filed on June 25, 2003 (hereinafter, "Preliminary Amendment"), Applicant cancelled claims 1-111 and added new claims 112-232. Neither the Office Action Summary nor the Detailed Action addresses claims 112-232.
4. The failure of the Office Action to (i) consider the claims added by the Preliminary Amendment and (ii) disregard the claims cancelled by the Preliminary Amendment represents defects in the Office Action.
5. It appears that the Preliminary Amendment was not entered in this case prior to the mailing of the Office Action. Applicant has included with this submission a copy of the Preliminary Amendment and stamped mailroom postcard indicating receipt of the former by the Patent and Trademark Office (hereinafter, "Office").
6. In accordance with MPEP §710.06, Applicant hereby notifies the Office of the defects in the Office Action. Applicant respectfully requests that the defects be corrected. Because Applicant is notifying the Office of these defects within one month of the Office Action mailing date, Applicant further requests that the period for reply to the Office Action be restarted to run from the date the defects are corrected.

7. No fee is included with this submission, because Applicant believes none is required. Nevertheless, should any fee be required for this submission to be considered, the Commissioner is authorized to charge deposit account number 20-0531.

Respectfully submitted,

Date: March 22, 2003
Reg. No. 44,381

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Natasha C. Us

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COPY

The "RECEIVED" stamp of the Patent Office imprinted hereon acknowledges the filing of:

Patent Application Transmittal (1 page); Fee Transmittal (1 page); Application Data Sheet (4 pages); Copy of Patent Application Consisting of: Cover Sheet (1 page), Specification (31 pages), Claims (14 pages), Abstract (1 page), and Informal Drawings (15 sheets); Preliminary Amendment (19 pages); Transmittal of Formal Drawings (1 page); Formal Drawings (15 sheets); Copy of Declaration and Power of Attorney (2 pages); Copy of Power of Attorney by Assignee of Entire Interest and Revocation of Prior Powers and New Power of Attorney (2 pages); Check in the Amount of \$3,156.00; Express Mail Mailing Label No.: EV289511652US

Name of Applicants: Wu et al.

Serial Number: Not yet assigned.

Atty: Natasha C. Us/om

Date: June 25, 2003
2646132-1

21906 U.S. PTO
10/603852
06/25/03
